

<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." Id. at (E).

Anthony Flores, Adolph Lopez, Michael Patlan, Michael A. Pena, Michael L. Smith, and Rudy Vela; GRANTED as to defendants David Luna and Raymond Luna in their individual capacities, DENIED as to the Group 2 plaintiffs: Jesus Aguilar, Jr., Johnny Alvarez, Gilbert Galvan, David Garcia, Randolph Jamison, Antonio Lopez, Jr., Jesus Ramirez, Sergio Seaton, and Thomas A. Willis, and DENIED as to defendant Joseph Luna, in his individual capacity.

Accordingly, IT IS HEREBY ORDERED that the Memorandum and Recommendation of the United States Magistrate Judge filed in this cause on October 23, 2014 (docket #48), is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendants' Motion for Summary Judgment (docket #48) is GRANTED IN PART and DENIED IN PART as follows: the motion is GRANTED as to the Group 1 plaintiffs: Frank Aguilar, Charlie Brooke, Anthony Flores, Adolph Lopez, Michael Patlan, Michael A. Pena, Michael L. Smith, and Rudy Vela; GRANTED as to defendants David Luna and Raymond Luna in their individual capacities; DENIED as to the Group 2 plaintiffs: Jesus Aguilar, Jr., Johnny Alvarez, Gilbert Galvan, David Garcia, Randolph Jamison, Antonio Lopez, Jr., Jesus Ramirez, Sergio Seaton, and Thomas A. Willis, and DENIED as to defendant Joseph Luna, in his individual capacity.

Having denied the motion for summary judgment as to the Group 2 plaintiffs and defendant Joseph Luna, IT IS FURTHER ORDERED that these remaining parties file a joint advisory with the Court on or before December 15, 2014, indicating whether mediation is a viable option, whether settlement is being explored based on the foregoing rulings, possible trial dates and the anticipated length of trial.

It is so ORDERED.

SIGNED this 13th day of November, 2014.

  
FRED BIERY  
CHIEF UNITED STATES DISTRICT JUDGE